

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRYCE JACKSON,

Plaintiff,

V.

D.A. COOLE, K. WALKER, CHRIS
BOWMAN and MRS. MCCOY.

Defendants.

NO: 4:16-cv-05066-SAB

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT**

1915(g)

Magistrate Judge Mary K. Dimke filed a Report and Recommendation on

August 30, 2016, recommending Mr. Jackson's complaint be dismissed without

prejudice. ECF No. 10. Plaintiff had failed to allege any facts against the named

Defendants, *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989), and his allegations

were insufficient to invoke procedural due process protections under *Sandin v.*

Conner 515 U.S. 472, 483-487 (1995).

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT -- 1

1 Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding *pro*
2 *se* and *in forma pauperis*; Defendants have not been served. Although granted the
3 opportunity to do so, Plaintiff did not amend his complaint to cure the deficiencies.
4 He has filed nothing further in this action and has no objections to the report.

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 1. The Court **ADOPTS** the Report and Recommendation, ECF No. 10, in its
7 entirety.

8 2. The Complaint is **DISMISSED without prejudice** for failure to state a
9 claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and
10 1915A(b)(1).

11 3. Pursuant to 28 U.S.C. § 1915(g), a prisoner who brings three or more civil
12 actions or appeals which are dismissed as frivolous or for failure to state a claim
13 will be precluded from bringing any other civil action or appeal *in forma pauperis*
14 “unless the prisoner is under imminent danger of serious physical injury.” 28
15 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions under**
16 **28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of**
17 **the three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect**
18 **his ability to file future claims.**

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ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT -- 2

IT IS SO ORDERED. The District Court Executive is directed to **enter** this Order, **enter** judgment, **forward** copies to Plaintiff at his last known address, and **close** the file. The District Court Executive is further directed to **forward** a copy of this Order to the Office of the Attorney General of Washington, Corrections Division. The Court certifies any appeal of this dismissal would not be taken in good faith.

DATED this 16th day of September, 2016.



Stanley A. Sestan

Stanley A. Bastian
United States District Judge

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT -- 3